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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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10 IN RE: Bard IVC Filters Products
11 Liability Litigation
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No. MDL 15-02641-PHX-DGC

**ORDER GRANTING AGREED MOTION
TO ESTABLISH THE LCHB BARD IVC
QUALIFIED SETTLEMENT FUND AND
TO APPOINT FUND ADMINISTRATOR**

14 Upon Agreed Motion of the Parties (Doc. 21633), and for good cause shown, the
15 Court hereby ORDERS as follows:

16 1. The “LCHB Bard IVC Qualified Settlement Fund” (the “Fund”) shall be
17 established as a Qualified Settlement Fund within the meaning of Treas. Reg. Section
18 1.468B-1, and shall remain subject to the continuing jurisdiction of this Court, as required
19 by Treas. Reg. Section 1.468B-1(c)(1).

20 2. ARCHER Systems, LLC is appointed as Fund Administrator pursuant to the
21 terms, conditions, and restrictions of the Agreed Motion to Establish Qualified Settlement
22 Fund and the Master Settlement Agreement referenced therein, and said Fund
23 Administrator is granted the authority to conduct any and all activities necessary to
24 administer this Fund as described in said Motion and Master Settlement Agreement. The
25 Fund Administrator shall be the administrator of the Fund within the meaning of Treasury
26 Regulation Section 1.468B-2(k)(3).

27 3. No bond is required for the Fund and the Fund, which includes all principal
28 and interest earned thereon, shall be deposited in an account comprised of (a) any

1 obligations of, or any obligation guaranteed as to principal and interest by, the United
2 States of America or any agency or instrumentality thereof, including the Federal Deposit
3 Insurance Corporation; or (b) U.S. dollar denominated deposit accounts with domestic
4 commercial or national banks that have a short term issuer rating on the date of purchase
5 of “A-1” or better by S&P or “Prime-1” or better by Moody’s and maturing no more than
6 360 days after the date of purchase (provided that ratings on holding companies are not
7 considered as the rating of the bank); or (c) money market accounts or money market
8 funds registered under the Federal Investment Company Act of 1940, whose shares are
9 registered under the Securities Act, and rated “AAAm” or “AAAm-G” or better by S&P,
10 and “Aaa,” “Aa1” or “Aa2” if rated by Moody’s, including any mutual fund for which the
11 Fund Administrator or an affiliate of the Fund Administrator serves as investment
12 manager, administrator, shareholder servicing agent, and/or custodian. The Fund shall be
13 held at Citibank, NA, which is a financial institution doing business in the State of New
14 York (hereinafter “Escrow Agent”), for the benefit of and titled in the legal name of the
15 Fund according to the terms and conditions of the Master Settlement Agreement, and said
16 financial institution shall be responsible for any and all investment related decisions,
17 pursuant to these terms and conditions. Notwithstanding the foregoing, Escrow Agent
18 shall not be allowed to distribute any income or principal from the Fund except upon the
19 written instructions of the Fund Administrator upon written approval or authorization by
20 Bard, or if requested, upon an order of this Court in accordance with, or as may be
21 otherwise provided in, the Master Settlement Agreement.

22 4. The Fund is authorized to enter into agreements with persons requesting the
23 use of settlements with periodic payments.

24 5. The Fund is authorized to effect non-qualified or qualified assignments of
25 any resulting structured settlement liability within the meaning of Section 130(c) of the
26 Internal Revenue Code to the qualified assignee in compliance with all the requirements
27 of Section 130 of the Internal Revenue Code and Rev. Proc. 93-94, 1993-2 C.B. 470 as
28 directed in writing by Claimants or their counsel.

7. The Fund Administrator is authorized, upon final distribution of all monies paid into the Fund to eligible claimants under the terms of the Master Settlement Agreement, to take appropriate steps to wind-down the Fund, including remitting unused funds back to Bard, and thereafter the Fund Administrator is discharged from any further responsibility with respect to the Fund.

David G. Campbell

For detailed information on the various types of information that can be obtained from the various types of information, see the following table: